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July 7, 2014

VIA ECF

Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: Rio Tinto plc v. Vale S.A., et al., No. 14-cv-3042 (RMB) (AJP)

Dear Judge Peck:

We represent defendant Mahmoud Thiam in the above-referenced action. We write in response to the letter filed by plaintiff Rio Tinto plc ("Rio Tinto") on July 1, 2014 (dkt. no. 51), regarding a proposed motion to compel Mr. Thiam to make the initial disclosures required by Fed. R. Civ. P. 26(a)(1) and to respond to discovery requests served on June 30, 2014.

As set forth in Rio Tinto's letter, Mr. Thiam objected to Rio Tinto's discovery demands on the ground that no conference has occurred under Fed. R. Civ. P. 26(f), and therefore initial disclosures are not due and discovery may not be served. We disagree with many of the statements and characterizations in Rio Tinto's letter. However, in light of Your Honor's July 3, 2014 order by memo endorsement (dkt. no. 53), which directs the parties to have a good faith Rule 26(f) meet and confer, we respectfully submit that Rio Tinto's proposed motion to compel initial disclosures and discovery responses has been rendered moot. Mr. Thiam, Rio Tinto, and the other parties who have appeared in this action are scheduled to participate in a Rule 26(f) conference on July 9, 2014.¹

Respectfully submitted,

/s/

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cc: All Counsel of Record (by email)

¹ Mr. Thiam has agreed to participate in the Rule 26(f) conference without prejudice to his rights to make any objection and/or motion with respect to discovery as permitted by law.